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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/715,804  
Filing Date: November 18, 2003  
Appellant(s): GOODWIN ET AL.

\_\_\_\_\_  
Colin D. Barnitz (reg. no. 35061)  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 9/14/10 appealing from the Office action mailed 2/1/10.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application: 1, 4 and 6-13.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

|              |                 |        |
|--------------|-----------------|--------|
| 6,742,026    | Kraenzel et al. | 5-2004 |
| 2003/0101445 | Li et al.       | 5-2003 |
| 2004/010729  | Gamo            | 6-2004 |

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claims 1, 4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kraenzel et al. (US 6,742,026 B1) in view of US 2003/0101445 to Li et al. (Li).**

**Claim 1**

**Kraenzel** discloses a computer-readable storage medium having stored thereon an application framework for developing an application, comprising:

an application object that isolates the application from other applications or external resources, raises startup and shutdown events for the application, and manages application windows and resources (*figure 10; column 2, lines 20-28, web application*);

navigation components that provide navigation functionality by sharing a global state across a plurality of pages, journaling, journal extensibility, and structured navigation (*figures 14-21; column 5, lines 11-45, web enabled software*);

application lifecycle management components that define how the application is deployed, installed, activated, updated, rolled back, and removed from a computing system (*figure 10, element 246; figure 11; column 37, lines 38-47; column 39, lines 15-32*);

a secure execution environment (*col. 5, lines 28-32 "Domino online services (DOLS) 62"*) that defines a default set of permissions for the application during execution of the application in the secure execution environment (*col. 5, lines 33-37 "providing iNotes clients with web access using HTTP"; col. 5, lines 39-45 "DOLS 62 provides a layered security model"*), and if the application requires permissions in addition to the default set of permissions (*e.g. col. 39, lines 40-44 "Opening the application offline to make changes to it ... Setting standard synchronization settings, Synchronizing the online and offline versions"*), requiring installation of the application (*col. 39, lines 19-21 "installing the Web application as a subscription on the local machine"*); and

a component that defines a mechanism that allows the application to access common window properties of a hosting environment in a like manner regardless of whether the hosting environment is a browser or a standalone window environment (*column 39, lines 33-38, integrated into Windows, multiple offline subscriptions, thus for both browser and standalone; col. 21, lines 9-10 "offline access provides an end user with just about all the capabilities of the online Web application"*); and

specifies a subset of components of the application as offline (*col. 40, lines 53-56 "tools in ... offline contexts"*) and a third subset of components of the application as online (*col. 40, lines 53-56 "tools in ... online ... contexts"*), with the offline and third subsets of components of the application differing (*col. 40, lines 53-56 "tools in both online and offline contexts"; note the context distinction meets the broadly claimed*

'differing'; also see col. 41, lines 15-19 "subscriptions 202 which the user has taken offline").

**Kraenzel** does not disclose a first subset of components as required and a second subset of components as on-demand.

**Li** teaches a manifest (par. [0046] *"the list of modules downloaded in operation 146 of Fig. 3"*) that further identifies offline applications (*i.e. applications to be stored on a client*) as a first subset of components of the application as required (par. [0046] *"application 160 core modules"*), a second subset of components of the application as on-demand (par. [0046] *"non-core modules"*; note these modules are *"downloaded and installed when needed"* and thus constitute 'on-demand' applications see par. [0048]), wherein the second subset of components being drizzle-downloaded in the background as a user interacts with the application (par. [0053] *"the modules enabling feature functionality may also be downloaded in the background prior to being requested"*), wherein when a specific component of the second subset of components is requested the second subset of components and is downloaded on-demand while the remaining components are drizzle-downloaded in the background (par. [0060] *"if the module requested is not the module being downloaded ... the current download is suspended in operation 240 ... operation 242 where the requested module is downloaded ... operation 246 where the thread for the suspended download is resumed"*; Fig. 10, 240-242; par. [0053] *"the modules ... may also be downloaded in the background"*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a manifest including **LI**'s additional subsets of components (e.g. *Fig. 4 Core and Non-core modules*) as part of **Kraenzel**'s distribution (*col. 39, lines 24-28 "Sync Manager utility ... Files needed for working offline in a secure environment ... are also downloaded"*) and to drizzle download any on-demand (i.e. Non-Core) components. Those of ordinary skill in the art would have been motivated to do so in order to provide a user with more immediate access to the core application components (*LI par. [0038] "a method and an apparatus for providing timely downloading via the Internet of applications"; Kraenzel col. 11, lines 53-59 "files are transferred to client 200 ... over line 309, which ... may be a slower, network connection.").*

#### Claim 4

**Kraenzel** discloses a computer-readable storage medium as recited in claim 1, wherein the application framework further includes components that define the behavior of windows associated with the application (*figures 14-21, evidenced by the windows shown*).

#### Claim 6

**Kraenzel** discloses a computer-readable storage medium as recited in claim 1, wherein the component that provides navigation functionality comprises a NavigationApplication object (*column 5, line 10, the online services model*).



Claim 7

**Kraenzel** discloses a computer-readable storage medium as recited in claim 6, wherein the NavigationApplication object identifies an initial resource to which the application navigates when launched (*figures 14-21, the resources launched; e.g. col. 19, lines 46-53 "Application Page 238"*).

Claim 8

**Kraenzel** discloses a computer-readable storage medium as recited in claim 7, wherein the NavigationApplication object further includes navigation related events that are fired in response to the occurrence of a navigation (*figures 14-21, as items are selected some event must correspond; column 5, lines 11-45, various elements of software*).

Claim 9

**Kraenzel** discloses a computer-readable storage medium as recited in claim 7, wherein the NavigationApplication object further comprises a Properties collection in which is stored state information about the application (*column 12, lines 1-5; column 12, line 62 to column 13, line 9*).

Claim 10

**Kraenzel** discloses a computer-readable storage medium as recited in claim 1, wherein the component that provides journaling and journal extensibility comprises a Journal

object (col. 10, lines 52-60 "The Subscription window 263 ... contains the following information about each subscription: ... Subscription URL 281 ... Last synchronization time 283 ...").

Claim 11

**Kraenzel** discloses a computer-readable storage medium as recited in claim 1, wherein the navigation framework further comprises a NavigationWindow component associated with the application and that persists across navigations (figures 14-21, column 5, lines 11-45).

Claim 12

**Li** teaches a computer-readable storage medium as recited in claim 1 wherein the first subset of components are minimum code for the application to run in the hosting environment (par. [0052] "the main class containing the entry point is mapped in to the core module").

**Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kraenzel et al. (US 6,742,026 B1) in view of US 2003/0101445 to Li et al. (Li) in view of US 2004/0107291 to Gamo (Gamo).**

Claim 13

**Kraenzel and Li** do not explicitly teach a computer-readable storage medium as recited in claim 1 wherein the third subset of components are stored in transient cache.

Gamo teaches storing online components in transient cache (par. [0068] “the cache can be used”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made store the online applications (*col. 40, lines 53-56 “tools in ... online ... contexts”*) in a transient cache (*Gamo par. [0068] “the cache can be used”*). Those of ordinary skill in the art would have been motivated to do so in order to reduce download times and thus execution speed (*Gamo par. [0068] “the cache can be used, and thus the download from the server can be partly omitted when the program is executed at the next time”*).

#### **(10) Response to Argument**

##### **A. Rejection of Independent Claim 1 under 35 USC §103(a)**

1. On pp. 8-10 the appellant argues that the Office has failed to point to any portion of the cited documents that teaches or suggests:

a secure execution environment that defines a default set of permissions for the application during execution of the application in the secure execution environment, and if the application requires permissions in addition to the default set of permissions, requiring installation of the application;

The appellant argues that Kraenzel fails to teach this limitation because:

merely downloading files for working offline, as described by Kraenzel, does not teach or suggest "a default set of permissions for ... the secure execution environment," or that "if the application requires permissions in addition to the default set of permissions, requiring installation of the application (see par. bridging pp. 9 & 10).

The examiner respectfully disagrees. The cited passage of Kraenzel discloses more than "merely downloading files for working offline". It discloses moving execution of the application from a first environment (an "on-line" environment, discussed e.g. at col. 5, lines 10-45) to a second environment (the "off-line" environment", discussed e.g. at col. 39, lines 15-60) by installing the application (col. 39, lines 19-21 "installing the Web application as a subscription"). The cited passage also discloses that the move provides the application with added permissions that were not available, by default, in the on-line environment (e.g. access to the subscription database, see col. 12, lines 46-48 "a collection of off-line applications with which authorized users may interact at client 100").

More specifically, Kraenzel discloses the application executing in an "on-line" secure environment (e.g. col. 5, lines 28-32 "Domino online services (DOLS) 62"). This is the execution environment used prior to an installation to the local machine (discussed below) and provides a secure execution environment with a default set of permissions (e.g. col. 5, lines 33-37 "providing iNotes clients with web access using HTTP"; col. 5, lines 39-45 "DOLS 62 provides a layered security model").

The cited portion of Kraenzel (col. 39, lines 15-45) discloses "installing the Web application as a subscription on the local machine (client)" and that doing so allows a user to "work[] offline in a secure environment and for managing synchronization".

Kraenzel further discloses that this secure environment provides permissions not available otherwise (e.g. col. 39, lines 40-44 "Opening the application offline to make changes to it ... Setting standard synchronization settings, Synchronizing the online and offline versions"). Accordingly, it should be seen that "if the application requires [these additional] permissions" the application must be installed in Kraenzel's "secure environment" (e.g. col. 39, lines 19-21 "installing the Web application as a subscription on the local machine"). Thus Kraenzel meets the claimed "if the application requires permissions in addition to the default set of permissions, requiring installation of the application".

Further, the breadth of the claim language should be mentioned. Specifically the limitation in question recites:

a secure execution environment that defines a default set of permissions for the application during execution of the application in the secure execution environment, and if the application requires permissions in addition to the default set of permissions, requiring installation of the application;

This language does not require any particular details for the "default set of permissions". Only that it be, in some ways, smaller than the set of "permissions" available after installing. As discussed above Kraenzel's transition from "on-line" execution to "off-line" execution provides the recited "permissions in addition to the default set" (e.g. access to the off-line subscription database). Thus, it should be seen that Kraenzel discloses "a secure execution environment that defines a default set of permissions (e.g. col. 5, lines 28-45 "DOLS 62"), and that when the application requires permissions in addition to the default set (e.g. col. 39, lines 40-44) the application must be installed (col. 39, lines 15-45 "installing the Web application as a subscription on the local machine (client)").

Additionally see col. 41, lines 3-10 which may more clearly disclose this functionality:

The web synchronization control 241 provides a convenience interface to commands normally available (subset of commands) from service manger 218. It allows the user to select and see a pop up menu with options to synchronize now, go online or go offline, and install subscription and subscription properties. Selecting install brings up a service manager user interface for extended alteration of properties for subscriptions.  
(emphasis added)

Here "commands normally available" describes the "default set of permissions" and installing the application allows for "extended [i.e. additional] alteration of properties".

2. On pp. 10-15, the appellants argue that the Office has failed to point to any portion of the cited documents that teaches or suggests:

wherein the second subset of components being drizzle-downloaded in the background as a user interacts with the application, wherein when a specific component of the second subset of components is requested, the specific component takes precedence over remaining components of the second subset of components and is downloaded on-demand while the remaining components are drizzle-downloaded in the background.

The examiner respectfully disagrees with the appellants' characterization of the claim.

Specifically, in the par. bridging pp. 12 and 14, the appellants argue:

The cited portion of Li describes that "if the module requested is not the module being downloaded...the current download is suspended" (par. 0060). More specifically, the downloading of a module M3 is **suspended** such that a module M4 may be downloaded without competing with M3 for bandwidth (par. 0060). On the other hand, Appellant's Claim 1 recites "the specific component takes precedence over remaining components...and is downloaded on-demand **while the remaining components are drizzle-downloaded in the background**" (emphasis added). Li does not describe the module M4 being downloaded on demand while module M3 is downloaded in the background. Further, Li teaches away from module M4 being downloaded on demand while module M3 is downloaded in the background by advocating **suspending** downloading of module M3.

From this it appears that the appellants are asserting a claim scope requiring that both "on-demand" and "drizzle downloaded" component be downloaded at the same time. This is distinct from how those of ordinary skill in the art would interpret the claim language.

While the appellants' specification does not provide an explicit definition of "drizzle-downloading", those of ordinary skill in the art would have understood that "drizzle-downloading" describes a download process in which processing power not currently being used by the running application is allotted for downloading the various components in the background. More specifically those of ordinary skill in the art would have understood that "drizzle-downloading" does not require two components to be downloaded simultaneously but using different proportions of the available bandwidth, as the appellant appears to argue.

It is the examiner's understanding that the term "in the background" refers to the "background" of the user application and not the background of the download with the higher precedence (see e.g. appellants' specification, pg. 9, lines 13-14 "As the user interacts with the application 210, the resources ... are drizzle-download [sic] in the background"). Further, the term "takes precedence" would have been understood as broadly synonymous with "comes first". In other words when one download "takes precedence" over another, that download "comes first" or before the other download and not at the same time.

Looking to the appellants' specification, it can be seen that drizzle-downloading is mentioned only once at pg. 9, lines 13-23 which state:

As the user interacts with the application 210, the resources designated as OnDemand are drizzle-download in the background. When the user requests a specific resource, e.g., by clicking a hyperlink, that resource takes precedence over the other resources that are drizzling down in the background and is downloaded on demand. As additional OnDemand resources are downloaded, they're stored in the application cache 260 as well. Resources that are designated as Online resources are stored in the transient cache 250. As resources are downloaded, the next time they're requested, they're retrieved from the application cache 260. Once the application 210 has been fully installed on the client computer 201, it may be navigated to in the browser or invoked from the shell, but it is always launched locally from the client computer 201.

To adequately support the appellants' asserted interpretation, the specification would need to provide, at least, some discussion of the relative proportions of bandwidth use which constitute "taking precedence". Instead the term is left broad and is reasonably understood to include situations where the download of one component is suspended to allow a second, higher precedence, component to be downloaded. Accordingly, Li's disclosure that "the current download is suspended in operation 240 [and in] operation 242 the requested module is downloaded" (see e.g. par. [0060]) teaches the claimed limitation.

In the first full par. on pg. 14, the appellants state:

Moreover, Li describes "the modules enabling feature functionality may also be downloaded in the background prior to being requested by the user in another embodiment" (par. 0053). However, Li does not describe the modules as being on-demand modules, much less a specific module taking priority over remaining modules when the specific module is requested, and downloaded on-demand while the remaining modules are drizzle-downloaded in the background. ...

The examiner respectfully disagrees. This is exactly what Li is disclosing. Although Li does not use the term "on-demand", it should be clear that Li's components are immediately downloaded when a user "demands" them (e.g. par. [0060] "operation



242 where the requested module is downloaded"; par. [0048] "modules are downloaded and installed when needed"). The fact that these modules *may* be (drizzle) downloaded ahead of the request conforms to what is disclosed in the specification (e.g. pg. 9, lines 13-23 "the resources designated as OnDemand are drizzle-download in the background.") and thus is not distinct from the scope recited by the claim.

B. Rejection of Dependent Claim 4, 6-9, 11 and 12 under 35 USC 103(a)

The appellants do not provide additional arguments against these rejections, instead only referring to the arguments addressed above in conjunction with claim 1.

C. Rejection of Dependent Claim 10 under 35 USC 103(a)

On pg. 16, the appellants argue that the Office has failed to cite any portion of Kraenzel that teaches or suggests a navigation component that provides journaling, asserting in the first par. on pg. 16 that:

... Claim 10 includes "wherein the component that provides journaling and journal extensibility comprises a Journal object." Further, Claim 10 depends from Claim 1, which recites "navigation components that provide...journaling." Consequently, Appellant's journaling is provided by a Journal object that is a navigation component.

The examiner respectfully disagrees. At col. 10, lines 52-60 Kraenzel discloses: "The Subscription window 263 ... contains the following information about each subscription: ... Subscription URL 281 ... Last synchronization time 283 ...". Thus it should be seen that Kraenzel discloses objects that provide navigation functionality ("Subscription URL 281") and Journal functionality ("Last synchronization time 283"). Further this "global state" (i.e. state of each subscription) is shared "across a plurality of

pages" in that it is provided in the Service manager regardless of the particular page that is being viewed.

D. Rejection of Dependent Claim 13 under 35 USC 103(a)

The appellants do not provide additional arguments against this rejection, instead only referring to the arguments addressed above in conjunction with claim 1.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jason Mitchell/

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/Lewis A. Bullock, Jr./

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